



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JANUARY 22, 2009
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairperson Clark called the regular meeting to order at 6:00 p.m.

Commissioners	Present	2009 Regular Meetings Held	2009 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	1	1	10	10
Johnny Bond	Yes	1	1	10	10
Helen Chavarria	Yes	1	1	10	10
John R. Clark	Yes	1	1	10	10
Ralph Davila	Yes	1	1	10	8
Robert Horton	No	1	0	10	9
G. H. Jones	Yes	1	1	10	7
Don Maxwell	Yes	1	1	10	9
Michael Parks	Yes	1	1	10	10

Staff members present: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Assistant Director of Development Services; Ms. Julie Fulgham, Project Planner; Mr. Randy Haynes, Staff Planner; Mr. Dale Picha, Director of Traffic and Transportation; Mr. Lee Veness, Assistant City Attorney; and Ms. Kelli Hill, Planning Intern.

2. ELECTION OF OFFICERS.

Commissioner Jones moved to re-elect Commissioner Maxwell as the Parliamentarian of the Bryan Planning and Zoning Commission. Chairperson Clark seconded the motion and the motion passed with a unanimous vote.

Commissioner Chavarria moved to re-elect Commissioner Parks as the Vice-Chairperson of the Bryan Planning and Zoning Commission. Commissioner Jones seconded the motion and the motion passed with a unanimous vote.

Commissioner Maxwell moved to re-elect Commissioner Clark as the Chairperson of the Bryan Planning and Zoning Commission. Commissioner Bond seconded the motion and the motion passed with a unanimous vote.

3. HEAR CITIZENS.

No one came forward.

4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

5. CONSENT AGENDA.

- Approval of minutes from the workshop and regular meeting on December 18, 2008.

- **Final Plat FP08-20:** **R. Haynes**
Proposed Final Plat of Congregation Beth Shalom – a plat creating 3 lots for residential and church use consisting of 1.74 acres located southwest of the intersection of East 25th Street and North Coulter Drive in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Maxwell seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

- 6. **Planning Variance PV09-02:** **J. Fulgham**
A request for approval of a 17-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts of Bryan, to legitimize previous construction of a carport that extends within 8 feet from the front property line on property at 3739 Ravenwood Drive, located at the intersection of Ravenwood and Brighton Drives and specifically occupying Lot 3 in Block 14 of Wheeler Ridge Subdivision – Phase 6 in Bryan, Brazos County, Texas.

Ms. Fulgham presented a staff report (on file in the Development Services Department). Staff recommends denial of the request based on the following findings:

- The long-term result may be an undesirable overcrowding of land with building mass along the street frontage within the Wheeler Ridge Subdivision due to possible future requests for similar variances from nearby property owners if this variance were granted,
- Granting this variance in the absence of any special conditions which create an unnecessary hardship could have the long-term effect of destabilizing this established neighborhood,
- The existing home on the subject property has a two-car garage that can provide covered parking for automobiles,
- Continued enforcement of minimum building setbacks helps provide minimum open space, which is a desirable feature, especially in residential neighborhoods, and
- Staff believes that setback requirements of the Land and Site Development Ordinance help protect the general public by preventing the crowding of streets with buildings and providing a clean, orderly streetscape, and contends that the public benefit from continued compliance with minimum building setback standards is greater than requiring the applicant to remove the carport that extends all the way to the front property line on the subject property.

Responding to a question from Commissioner Davila, Ms. Fulgham stated that the Commission has both granted and denied variances in the Wheeler Ridge Subdivision in previous meetings.

The public hearing was opened.

Mr. Charles Tipps, 3803 Ravenwood Drive, Bryan, came forward to speak in favor of the request. He asked if four feet could be removed from the carport to obtain the variance. He stated that the carport is well-constructed and that he would be interested in seeing the variance granted.

The public hearing was closed.

Commissioner Maxwell moved to deny Planning Variance PV 09-02, because strict compliance will not result in undue hardship, and in so moving adopt the written staff report and analysis as the findings of this Commission as well as the facts upon which those findings are based, with the understanding that such findings and facts will be entered into the official minutes of this Planning and Zoning Commission meeting. Commissioner Beckendorf seconded the motion.

Commissioner Maxwell stated that while the carport is aesthetically appealing, the Commission must adhere to ordinance standards against structural encroachment. Commissioner Beckendorf agreed with Commissioner Maxwell.

Chairperson Clark stated that the Commission exists to enforce city codes and that they cannot judge what is architecturally pleasing.

Commissioner Parks stated that he is sympathetic to the applicant, but in this case he agrees with Chairperson Clark.

Commissioner Maxwell stated that even if four feet were removed from the structure, it would still be an encroachment.

Commissioner Beckendorf stated that the decision can be appealed to the City Council.

Mr. Veness stated that that should not be a consideration.

Responding to a question from Commissioner Parks, Ms. Fulgham stated that the carport is approximately six years old.

Commissioner Bond stated that he did not agree with the discussion about this case, and that the appearance of the carport is an asset to Wheeler Ridge. He stated that he disagrees that it creates a hazard, and is still hoping that the Commission can come to some understanding about pre-existing conditions in the future.

Commissioner Davila stated that the Commission does need to come to some decision on what to do with these situations, and that this is more of an aesthetics issue than a setback issue.

Chairperson Clark stated that if every house in Wheeler Ridge had a carport, it would completely change the streetscape. He said that it is the Commission's authority to enforce the existing codes.

Commissioner Bond agreed, but suggested some type of grandfathering system in the future.

Chairperson Clark stated that staff can take that under consideration, but that that decision could not be made tonight. He stated that he did not have a problem with the codes the way they exist now.

Responding to a question from Commissioner Parks, Ms. Fulgham stated that the information that staff can obtain from the applicant varies greatly by case because it is at the applicant's discretion how much information is disclosed.

Without objection, Commissioner Maxwell moved to suspend the rules to see pictures from the owner.

Responding to a question from Commissioner Parks, Ms. Fulgham stated that the carport is a free-standing structure.

Mr. Veness reminded the Commission that the first criteria of undue hardship must be met for granting a variance before the Commission can consider other criteria.

The motion passed with a vote of five (5) in favor and three (3) against. Commissioners Parks, Davila, and Bond cast the votes in opposition.

7. Replat RP08-15:

R. Haynes

A proposed Replat of Lots 1 and 2 in Block 152 of the Bryan Original Townsite in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approval of the request because the proposed replat conforms to all requirements of applicable codes and ordinances.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve Replat RP 08-15, the replat of Lots 1 and 2 in Block 152 of the Bryan Original Townsite, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Davila seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

8. Replat RP08-27:

J. Fulgham

A proposed Replat of Lot 1 in Block 1 of Allsize Storage Subdivision consisting of 5.03 acres of land located at the southeast corner of West Villa Maria Avenue and Harvey Mitchell Parkway in Bryan, Brazos County, Texas.

Ms. Fulgham presented a staff report (on file in the Development Services Department). Staff recommends approval of the request because the proposed replat conforms to all requirements of applicable codes and ordinances.

Responding to a question from Chairperson Clark, Mr. Fulgham stated that the replat is requested to legitimize previous errors in construction.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to approve Replat RP 08-27, the replat of Lot 1 in Block 1 of the Allsize Storage Subdivision, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Bond seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

9. Rezoning RZ09-01:

R. Haynes

A request to change the zoning classification from Residential District (RD-5) to Office District (C-1) for property located at 4012 East 29th Street in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approval of the request based on the following findings:

- Staff contends that a change of the zoning designation to C-1 is appropriate for the subject tract and the zone change will allow for use of the property in a similar manner to the current allowable use,
- The subject property has direct access to water and wastewater services and the location adjacent to the arterial roadway makes the property suitable for office use,
- This zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development,

- Property in the vicinity of the subject tract is largely developed and the change of zoning to C-1 will not affect development,
- Other properties zoned for office use in this area are unlikely to be affected by this zoning change, and
- Staff has identified no factors resulting from this requested zoning change that will affect health, safety, morals, or general welfare.

Responding to questions from Commissioner Davila, Mr. Haynes stated that the rear of the building will be the barber shop. He stated that staff has analyzed the situation, and that because the existing residential lot on the site is contrary to what the land use guidelines specify, the easiest thing to do is to change the zoning.

Responding to a question from Commissioner Beckendorf, Mr. Haynes stated that the lot is not appropriate for a residence, and that a buffer will be applied to the property to protect the adjacent property.

Responding to a question from Commissioner Parks, Mr. Picha stated that access could not be taken off of Carter Creek Parkway because of the existing trees which would have to be removed in that case. Ms. Guindi stated that if the driveway spacing and separation requirements are not met, then that property is only allowed one driveway.

Responding to questions from Commissioners Davila and Beckendorf, Mr. Haynes stated that there are seven parking spaces on the property and that the structure is approximately 1600 square feet.

The public hearing was opened.

Ms. Janet Casey, 2623 Lochinvar Lane, Bryan, came forward to speak against the request. She stated that she owns the adjacent property, and that she would like for it to stay residential. She said that it is in the neighborhood's best interest for it to be a residential property.

Mr. Fred Bayliss, 7610 River Ridge, College Station, came forward to speak in favor of the request. He stated that everything will remain the same as far as the parking spaces. He also stated that the traffic resulting from the proposed office use will not be any heavier than the uses across the street. He stated that there is office on all four corners of the intersection, and that there are large trees and a heavy fence to provide a buffer for the adjacent property.

Responding to a question from Commissioner Davila, Mr. Haynes stated that the parking meets the standards for the office zoning because it is based on the size of the building.

Responding to a question from Commissioner Beckendorf, Ms. Guindi stated that staff would not support the office zoning designation further encroaching into the neighborhood.

Responding to a question from Commissioner Bond, Ms. Guindi stated that the City cannot discriminate based on the use of the property, but if that use triggers issues with other standards, then it can potentially restrict the use because of those issues.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ 09-01 to the Bryan City Council and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.

Commissioner Maxwell stated that he thought the zoning was appropriate for the site given the size of the lot and the parking restrictions.

The motion passed with a unanimous vote.

10. ADJOURN

Without objection, Chairperson Clark adjourned the meeting at 6:57 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the 5th day of **February, 2009**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, Planning Administrator
and Secretary to the Planning and Zoning
Commission